

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW CARLSON,

Defendant.

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8:08CR173

ORDER

This matter is before the court on the motion to continue trial by defendant Matthew Carlson (Carlson) (Filing No. 15). Carlson seeks a continuance of the trial of this matter which is scheduled for September 9, 2008. The court held a hearing on the motion on September 5, 2008, in connection with counsel's motion to withdraw (Filing No. 16). Carlson was present with his counsel W. Randall Paragas and the United States was represented by Assistant U.S. Attorney Sandra L. Denton. After inquiry, the court denied Mr. Paragas's motion to withdraw.

On the record, Carlson consented to the motion to continue and acknowledged he understood the additional time may be excludable time for the purposes of the Speedy Trial Act. Government's counsel had no objection to the motion. Upon consideration, the motion to continue trial will be granted.

IT IS ORDERED:

1. Carlson's motion to continue trial (Filing No. 15) is granted as set forth below.
2. Trial of this matter is re-scheduled for **October 14, 2008**, before Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **September 5, 2008 and October 14, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 5th day of September, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge